

Kitz Miller A

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

FRANK D. KITZMILLER, ! DOCKET NO. C-2014-2435567

COMPLAINANT, ! BRIEF FOR HEARING

v. !

CITY OF LANCASTER WATER DEPARTMENT, ! MARCH 22, 2018

RESPONDENT. ! JUDGE: JOEL H. CHESKIS

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU
JAN 09 2018

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CONCISE STATEMENT OF CASE

My name is Frank D. Kitzmiller and I have resided with my spouse since 1972 in our house which was built in 1965 at 1041 Preston Road, Township of Manheim, Lancaster County, PA 17601. I am the Complainant in Frank D. Kitzmiller v. City of Lancaster Water Department (Respondent) Docket No. C-2014-2435567, which contends that Respondent has overbilled Complainant during the period March 15, 1988, (when I first became a customer of Respondent) to the present time by not adhering to the provisions of certain sections of Title 66, Part I, Chapter 13, Subchapter A.

In reviewing, in mid-2014, the calculation of a quarterly charge for water service billed to Frank D. Kitzmiller (Complainant) by the Lancaster City Water Department (Respondent) it was noticed that Complainant was billed a Customer Charge based on using a 1" size water meter. Complainant uses a 3/4" water meter which was supplied by Respondent as the required size water meter to render adequate service. The Customer Charge for using a 1" size water meter is 265% of the charge for customers using a 3/4" size water meter.

Using the current schedule of rates shown on the 25th Revised Page 4 of Supplement No. 45 to Tariff - Water - Pa. P.U.C. No. 6 (EXH FDK 1) this results in an overbilling of \$27.45 (\$44.10 - \$16.65 = \$27.45) per quarter or \$109.80 per year. This type of overbilling has been made since Complainant became a water service customer of Respondent on 3/15/88.

Based upon information in Respondent's Public Documents section of the PUC Case Summary for Docket No. R-2014-2418872, it appears that over 5,000 of Respondent's Outside of Lancaster City customers being billed for use of 1" water meters are also being overbilled. (EXH FDK 7)

Based upon information provided by Respondent to Complainant in connection with a Certificate of Satisfaction filed on 8/11/17 as a response to a Formal Complaint Notice dated 8/4/14 (almost 3 years late), it was stated that the Respondent did not have any actual 1" size residential water meters in use.

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This Certificate of Satisfaction is located in the Public Documents section of the PUC Case Summary for Docket No. C-2014-2435567. (EXH FDK 8)

Complainant seeks to recover, by refund, the amount of the overbillings paid to Respondent together with interest at the legal rate and requests Judicial Extension of time to be granted to Complainant and requests that all future billings of Customer Charges be made at the rate applicable to a customer using a ¾" water meter. See EXH FDK 2 for an estimate of the overbillings plus interest.

SUMMARY OF ARGUMENT

Respondent appears to have made a deliberate decision to overbill the Customer Charge portion of the bill for water services by billing the Tariff No. 6 rate for a 1" size water meter instead of the ¾" size supplied by the Respondent which was required to be used to provide adequate service by the Complainant.

Respondent's actions were not in compliance with the provisions of Title 66, Part 1, Chapter 13, Subchapter A, Section 1303, Adherence to Tariffs, Section 1304, Discrimination in Rates and Section 1308 (a), Voluntary Changes in Rates.

Complainant also requests that the Pennsylvania Public Utility Commission (PUC) make an order requiring Respondent to refund the amount of overbilling, together with interest at the legal rate, to Complainant pursuant to the provisions of Section 1312 (a) of the abovementioned Chapter 13.

In addition, Complainant requests Judicial Extension of Time pursuant to the provisions of 42 Pa. CS Chapter 55, Subchapter A, Section 5504 (b).

In addition, Complainant requests that all future billings of Customer Charges be made at the rate applicable to a customer using a ¾" size wafer meter.

ARGUMENT

It appears that respondent made a deliberate decision to retain the same rate design for the new Manheim Township customer hookups after 9/30/85 but bill the Customer Charge at the 1" size water meter rate for the use of the ¾" size water meter that they used. In a "Petition of Satisfaction" filed on 8/11/17 relating to the overbilling Formal Complaint Notice related to Docket No. C-2014-2435567, it was stated that the Respondent had NO actual 1" size residential water meters.

The decision was in direct conflict with the provisions of the Municipal Connector's Agreement dated 9/30/85 between Respondent and Manheim Township, provided in response to Set 1, Item 16 written interrogatories request, which on page 2, paragraph 6 indicated that respondent was to charge Manheim Township customers connected to the City water supply system at the rates in effect from time to time in such area. (EXH FDK 3)

At that time, any minimum Customer Charges being in excess of the present tariff rates, especially those at 265% more, would have discouraged the affected Manheim Township residents with satisfactory working water wells as their source of water from hooking up to Respondent's water system.

Also, it would appear that Respondent's breach of the terms of the Municipal Connector's agreement could have resulted in incurring a liability for sanctions against Respondent.

No attempt was made by Respondent to comply with the provisions of 66 Pa. C.S. Sections 1303, 1304, 1308 (a) and 1308 (b) which, if complied with, would have postponed the implementation of any allowed rate increase and Section 1308 (c) which would have allowed the PUC to determine a just and reasonable new rate.

This deliberate decision resulted in significant benefits for Respondent such as substantially higher billing amounts, immediate receipt of the higher billings, obtaining 100% of the rate increase, eliminating the large costs normally incurred in a rate case request, increasing the funds available to transfer from the Water Department operations to Lancaster City General Fund to \$4,000,000 annually budgeted for the year 2018, increasing the value of the Water Department for a possible future sale and increasing the non-electoral debt borrowing base by 250% of the annual amount of overbillings.

Complainant also requests that the PUC make an order requiring Respondent to refund the amount of overbilling, together with interest at the legal rate, to Complainant pursuant to the provisions of Section 1312(a) of the above-mentioned Chapter 13.

In addition, Complainant requests Judicial Extension of Time pursuant to the provisions of 42 Pa CS Chapter 55, subchapter A, Section 5504 (b).

In addition, Complainant requests that all future billings of Customer Service Charges be made at the rate applicable to a customer using a ¾" size water meter.

It appears that Respondent took actions to limit the exposure of publicity to its overbillings.

Such actions began with Respondent's violations of the provisions of 66 Pa. C.S. Section 1303, 1304 and 1308(a) by not disclosing the rate increase to either the PUC or to the water service customers who were affected by the rate increase.

These water service customers were probably new customers who probably had no prior experience with the billing for water service provided by Respondent and were not aware of how their water bill was determined based upon a fixed rate Customer Charge and a variable consumption charge.

These new customers were provided by Manheim Township with a Water Connection Notice and Payment Schedule requiring a payment of \$2,000.00 (which was a significant amount at the time) Connection Fee and mentioning that a property lien will be filed against the property if the payment is not made by the due date, it is not known if the new customer was provided with any information about the present water rates at this time and whether the current rates being billed by Respondent to

existing customers would be billed to the new customers after they had the water meters installed following the connection to the property's water system.

To avoid confusing the water customers if there was ever an inquiry as to what the composition of the current rates were, respondent should have added a new class of service on its Tariff Water Pa. No. 6 for " ¾" Size of Water Meter for Certain Manheim Township Customers" with the Customer Charge rate being equal to the 1" size of water meter (which is 265% higher than the normal ¾" size water meter rate). This revised schedule of meter rates should have been provided to the water service customer with the initial billing for water service, and, although not required by PUC regulations, annually or when a new rate has been granted by the PUC. Respondent should also have instructed the customer to verify the actual size of their water meter when trying to determine the amount of their bill for water service.

During the period in which a rate increase is requested by Respondent, there is enormous amounts of information generated as the Respondent and the parties opposed to the rate increase present their sides on this matter. However not much of this information is readily available to the water service customers and the information which is provided to the customers is confusing and misleading, such as requesting a "modest" overall increase of 88.7% in 2010 and a "modest" increase 42.1% in 2014.

The water customer receives a 2 page letter (single sheet with 2 printed sides) about the proposed increase approximately 2 months prior to the proposed effective date on the date that the Respondent files its request with the PUC. One page of the letter (addressed to "Dear Water Service Customer") provides the reasons why such increase has been requested and compares the water consumption rate per 1,000 gallons after the proposed increase to what water costs if purchasing it in the form of bottled water in a 16 ounce bottle. The other page is a PUC required "Customer Notice" addressed "To Our Customers" which provides a comparison of the total quarterly water bill before and after the proposed rate increase for a residential customer with a 5/8 " water meter using 12,000 (or 13,000 in 2014) gallons per quarter and calculates the percentage increase.

There is no mention in these 2 pages of information that the billing to the customer is based on the sum of 2 separate charges: (Which are shown only on a schedule similar to EXH FDK 1)

1. A "customer charge" which is a fixed charge to recover the costs of the water meter (which is owned by Respondent), the quarterly reading of the water meter and the quarterly billing of the customer. Also included by the Respondent is a charge for "service" and public fire protection. The customer charge varies based upon the required size of the water meter needed to render adequate service with 5/8 " and ¾ " meters being charged the lowest amount and substantial increases for the larger size water meters of 1 " (265% of the 5/8" and ¾" rate) or above. The requested increases in Customer Charges for 2010 and 2014 were 174% and 100%, respectively. The use of the term "modest" to describe the requested rate is not appropriate and actually appears to be intentionally misleading.
2. A "consumption charge" based upon the amount of water consumed in the quarter in thousand (1,000) gallon increments. This rate for 1,000 gallons decreases for higher levels of consumption.

The requested increase in the consumption charges for 2010 and 2014 were 76% and 30%, respectively.

Whether intentional or unintentional, the lack of mention of the Customer Charge in Respondent's "Dear Water Company Customer" page and the use of the term "modest" to describe the proposed rate increase, the amount of which is not disclosed, is not appropriate. (EXH FDK 4)

Because of Respondent's concealing of the fixed Customer Charge and only mentioning the proposed water Consumption Charge, the customer is likely to think that the water bill is based solely on the Consumption Charge and will think that reduced water usage will significantly reduce the effect of the rate increase. The customer probably will not call the Respondent or search the rate case legal documents to obtain additional information on the proposed rate increase and thus will not reach the final stage of the review which would be an attempt to calculate the exact effect of the proposed increase on the customer's bill. It is only at this point when all of the information is available that the customer, if among the 5,000+ customers in Manheim Township who have a $\frac{3}{4}$ " water meter being billed as having a 1 " water meter (EXH FDK 7) will realize that they has been significantly overbilled. The recent trend since 2006 of substantially increasing the Customer Charge (up 379% based on the proposed rate increase) while limiting the increase in the Consumption Charge (up only 98% based on proposed rate increase) results in the present overbilling to be significantly higher.

The "Customer Notice" does provide a paragraph relating where additional information can be obtained and the location of documents that can be examined. In order to locate any information related to the Customer Charge portion of the water bill, the Customer's Notice indicates that the customer will have to examine the voluminous filings with the PUC which are kept at the Lancaster City Clerk's office.

The "Customer Notice" does provide information on the ability to file a Formal Complaint or make other input into the rate request process. (EXH FDK 5)

The quarterly billings through 2/21/17 have a statement within the small print section which states "Please visit us at www.cityoflancafterpa.com procurement & collection/treasury office page for more water and sewer information." I could not find any water meter rate information at these sites or any links to get to water meter rate information (EXH FDK 6)

The new revised quarterly bills effective after 2/21/17 just have a note on the back which states "meter and consumption rate schedules are available for inspection at the City Treasury Office-Customer Service". There is no address provided for the location of this office. There is no reference to meter rate information being available at the Customer Service Office at 39 W. Chestnut St. or on the City of Lancaster Water department website.

The new revised bill does not indicate the actual meter size used by the water service customer which on the prior bill format indicated that Complainant used a "1 X $\frac{3}{4}$ " meter and just provides a rate code of " 1" ROQ " with no explanation of "ROQ". It is unclear if this reduced amount of water rate information

is in compliance with PUC regulations, but it is not that helpful to the water customer in trying to determine if the quarterly bill is accurate.

As noted above, the customer's quarterly bill information is not sufficient to prevent an overbilling from occurring and being concealed. (EXH FDK 6)

It appears that the overbilling was never noticed by the professional consultants hired by the OCA, SBA and Respondent's staff and by the highly skilled employees of the PUC investigating the various rate increase requests made by Respondent from 1985 to the present date. These professionals performed intense adversarial detailed investigations of all of the activities of Respondent including billing analysis, fixed asset and depreciation reviews and determination of Cost of Services based on the size of the water meters. It is not known if the $\frac{3}{4}$ " size water meters were recorded in fixed assets as 1" size water meters and if such classification had an effect on rate base calculations.

In Complainant's review of the 2014 rate case and all prior rate cases reported in the Public Documents in the PUC Case Summaries for Respondent, I saw no inquiry being made about the actual size of a $\frac{3}{4}$ " water meter being billed out as a 1" water meter with a billing rate that was 265% of the $\frac{3}{4}$ " water meter rate.

The independent public accountants auditing the financial statements of Respondent apparently did not notice this overbilling in their annual audits. Perhaps the annual amount of overbilling of \$109.80 for each of the 5,122 (\$562,395 annual overbilling) water customers was not material enough to arouse suspicion.

It would appear that the 5,000+ group of Manheim Township water customers who were overbilled would have been the ones to have discovered the overbilling. Just by comparing water bills with neighbors in their own neighborhood or with friends in the other parts in Manheim Township which obtained water service before 1985, they may have noticed differences that would arouse curiosity enough to try to calculate how their water bill was determined. But it appears that it was not worth their efforts due to the relatively low amount of the bill and the knowledge that the PUC has thoroughly examined any rate increase request and allowed only the rates that are considered to be just and reasonable.

Complainant has never seen any reporting of this overbilling in the local newspaper.

In Discovery, Complainant, on 1/23/18, requested in Set 2 interrogatories, item 5, requested information as to whether there were any complaints made by Formal Complaints, Informal Complaints or other means related to the Respondent's billing of a Customer Charge at the 1" water meter rate rather than the $\frac{3}{4}$ " water meter rate for the actual $\frac{3}{4}$ " water meter size used by the customer. On 3/6/18, Respondent denied this Set 2 interrogatory on the grounds that as a party of the prior RATE case proceeding at Docket No. R-2014-2418872, Complainant failed to present any discovery in the form presented in this Set 2 interrogatory the current OVERBILLING case proceedings. Respondent is not recognizing the fact that the RATE case is a separate case and not part of the OVERBILLING case. As a

result, Respondent concluded that Complainant was estopped from compelling responses to discovery that Complainant had every opportunity to present during the prior rate case proceeding at Docket No. R-2014-2418872. Accordingly, unless Judge Cheskis objects to Respondent's denial of discovery, Complainant will never be able to determine whether water service customers similar to Complainant have made a similar complaint.

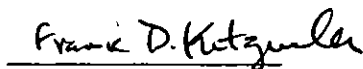
The denial by Respondent, if not objected to by Judge Cheskis, would appear to apply to all pending and future discovery requests made by Complainant to Respondent. There are also 2 other Motions made by Respondent, based upon the same illogic position, which are awaiting action by Judge Cheskin.

CONCLUSION

For the reasons outlined in this BRIEF, Frank D. Kitzmiller (Complainant) respectfully requests that Administrative Law Judge Joel Cheskis recommend, and the Commission affirm, the relief requested which consists of:

1. The refund of the overbillings paid to City of Lancaster Water Department during the period 3/15/88 to the present date.
2. Allow for Interest compounded at the legal rate on the overbillings during the period 3/15/88 to the present date.
3. Requiring the City of Lancaster Water Department to make future billings for its water service to Frank D. Kitzmiller to be made at the rate applicable to a customer having a ¾" size water meter.

Respectfully submitted,



March 15, 2018

Frank D. Kitzmiller, Complainant, Pro Se

1041 Preston Rd.

Lancaster, PA 17601

717-569-0132

dkitz@comcast.net

Kitzmiller B

FRANK D. KITZMILLER v. CITY OF LANCASTER WATER DEPARTMENT DOCKET NO. C-2014-2435567

APPENDIX TO BRIEF

EXHIBITS

- EXH FDK 1 Supplement No. 45 to Tariff Water No. 6 25th Revised Page No. 4
- EXH FDK 2 Summary of Overbill and Statutory Interest to 3/15/88
- EXH FDK 3 Municipal Connector's Agreement dated 9/30/85, pages 1 and 2
- EXH FDK 4 Dear Water Service Customer letter dated 8/27/10
- EXH FDK 5 Notice of Proposed Rate Changes To Our Customers
- EXH FDK 6 Example of City of Lancaster Water Department quarterly water bills
- EXH FDK 7 Residential quarterly billing information indicating that 5,122 Outside the City customers
were billed for a 1" size water meter for the year ended 12/31/13
- EXH FDK 8 Certificate of Satisfaction, filed 8/11/17

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Harrisburg *J.B.*

CITY OF LANCASTER
Lancaster, Pennsylvania

Supplement No. 45 to Tariff
Water-Pa. P.U.C. No. 6
25th Revised Page No. 4
Cancelling 24th and 23rd Revised Page No. 4

Schedule of Rates

(I)

Meter Rate - General Service

Application

This Schedule applies to all service other than (1) emergency sales for resale and (2) fire protection (See Section 3).

Customer Charges

(I)

All metered customers shall be subject to a monthly or quarterly customer charge, based on the (C) required size of meter to render adequate service.

<u>Size of Meter</u>	<u>Customer Charge</u>			<u>Size of Meter</u>	<u>Customer Charge</u>		
	<u>Per Month</u>	<u>Per Qtr</u>			<u>Per Month</u>	<u>Per Qtr</u>	
5/8" or 3/4"	\$5.55	\$16.65	(I)	3"	\$71.50	\$214.50	(I)
1"	\$14.70	\$44.10	(I)	4"	\$111.60	\$334.80	(I)
1-1/4"	\$18.75	\$56.85	(I)	6"	\$222.00	\$666.00	(I)
1-1/2"	\$23.20	\$69.60	(I)	8"	\$351.60	\$1,054.80	(I)
2"	\$36.20	\$108.60	(I)	10"	\$465.10	\$1,395.30	(I)
				12"	\$701.50	\$2,104.50	(I)

Consumption Charges – Residential, Commercial and Industrial

(C)

		<u>Rate Per 1,000 Gallons</u>	
For the first 25,000 gallons/month or 75,000 gallons/quarter		\$4.489	(I)
For the next 575,000 gallons/month or 1,725,000 gallons/quarter	(C)	\$3.824	(I)
For all over 600,000 gallons/month or 1,800,000 gallons/quarter	(C)	\$3.247	(I)
Consumption Charge – Large Industrial for all consumption		\$3.202	(C)

The minimum charge shall be the customer charge.

When more than one meter is installed on the premises for the convenience of the customer, the above consumption and customer charges will be assessed against the individual meters.

(I) Indicates Increase

(C) Indicates Change

SUMMARY OF OVERBILL AND STATUTORY INTEREST TO 3/15/2018

	PERIODS IN YEARS		ANNUAL			COMPOUNDED INTEREST		
	OVERBILL	INTEREST	OVERBILL	INTEREST	TOTAL	OVERBILL	INTEREST	TOTAL
PERIOD 3/15/88 TO 10/28/98	11	30	665.72	2362.80	3028.52	665.72	2528.80	3194.52
PERIOD 9/29/99 TO 6/9/06	7	18	181.16	279.20	460.36	181.16	298.09	479.25
PERIOD 6/9/06 TO 3/1/12	6	11	175.68	123.94	299.62	175.68	133.71	309.39
PERIOD 3/1/12 TO 3/5/15	3	6	208.80	63.71	272.51	208.80	92.40	301.20
PERIOD 3/5/15 TO PRESENT	<u>3</u>	<u>3</u>	<u>329.40</u>	<u>41.13</u>	<u>370.53</u>	<u>329.40</u>	<u>50.06</u>	<u>379.46</u>
	30		1560.76	2870.78	4431.54	1560.76	3103.06	4663.82

MUNICIPAL CONNECTOR'S AGREEMENT

This Agreement, made September 30, 1985, by and between the CITY OF LANCASTER, a third class city of the Commonwealth of Pennsylvania, ("City") and the GENERAL MUNICIPAL AUTHORITY OF THE TOWNSHIP OF MANHEIM, a municipal authority organized and existing under the Municipalities Authorities Act of 1945, Act of May 2, 1945, ("Connector"), witnesseth:

Background: Connector desires to have a public water supply system available to certain lands and it is willing to construct and pay for the distribution system and the City is willing to supply and sell the water after the lines are hooked up. Article 957 of the ~~Certified~~ ^{Codified} Ordinances of the City of Lancaster provide for the extension of the city water mains.

The parties, intending to be legally bound, are agreed as follow;

1. Connector will lay water mains being more fully described in "Exhibit A" attached to and made a part hereof and located as shown on the plot plan attached to and made a part hereof as "Exhibit B."

was attached

2. Connector will lay said water lines in accordance with the plans and the specifications of the City. Connector will pay all costs and expenses incurred in the construction of said water mains.

3. City will permit the Connector to connect said water mains to the existing City water mains as described in "Exhibit A" and located as shown on "Exhibit B."

4. Upon completion of each of said water lines and final testing and sterilization thereof, Connector will submit to City an application for acceptance in such form as City may from time to time prescribe. The City will accept each of said lines, if laid in accordance with its specifications and all orders of the City with respect thereto have been carried out. The total cost thereof, including engineering, legal and financing charges shall be reported to the City at the time of acceptance. Upon acceptance of each of said water lines by the City, the Connector will thereupon lease that water line to the City on the terms and conditions hereinafter set forth.

LEASE

5. The parties hereto will certify the date when each of the aforesaid water lines have been accepted and put into service by the City and the Connector hereby leases each such line to the City for a period of (25) years from such date or dates on the terms and conditions herein set forth.

6. The City will operate said water line as a part of its water supply system and serve water to all consumers connected thereto at the rates for water use established by the City in effect from time to time in such area. The City will pay all costs of maintaining, repairing, and replacing said line during the term of the lease.

7. During the term of the lease, the City will not permit any person, other than the Connector, to connect to said water



August 27, 2010

Dear Water Service Customer,

As you may know, the City of Lancaster operates two water treatment facilities that provide drinking water for more than 150,000 people in the Lancaster area. Until recently, the Conestoga Water Treatment Plant and the Susquehanna Water Treatment Plant have been under continuous operation without significant upgrades for 77 years and 55 years, respectively.

We are committed to providing our customers with the safest, cleanest drinking water possible. That's why the City has invested more than \$90 million to upgrade these two facilities with state-of-the-art membrane filtration technology. You may recall that earlier this summer, another water system in Lancaster County was unable to supply customers with water for several days because of microscopic contaminants – the same type of contaminants that can be found in the rivers that are the source of our drinking water. When both new membrane filtration water plants are completed in the coming months, the filtration technology used will be able to safely block the types of microscopic contaminants that have caused problems in other water systems using older technology.

This investment in the same type of technology used to produce bottled water will benefit our customers for decades to come, and will require a modest increase in the cost of water supplied by the City. On August 27, 2010, the City will file a request with the Pennsylvania Public Utility Commission to increase the cost of water supplied to customers who live outside of the City. Details of how you can participate in this case can be found on the reverse side of this letter.

Even with a proposed rate increase, the cost of City water remains a great bargain. For residential customers billed on a quarterly basis, the City's proposed water rate would be \$4.282 per/1,000 gallons. For an average residential customer, the proposed rate would result in a quarterly water bill of \$63.38, or only \$5.28 a week. Compare that to a 16 oz. bottle of water costing .99 cents or \$7,920 per 1,000 gallons.

We look forward to providing the cleanest, safest water that current technology can provide, at an extremely reasonable cost, for generations to come.

City of Lancaster

See reverse side for Customer Notice and details on the proposed rate increase



August 27, 2010

Dear Water Service Customer,

As you may know, the City of Lancaster operates two water treatment facilities that provide drinking water for more than 150,000 people in the Lancaster area. Until recently, the Conestoga Water Treatment Plant and the Susquehanna Water Treatment Plant have been under continuous operation without significant upgrades for 77 years and 55 years, respectively.

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We look forward to providing the cleanest, safest water that current technology can provide, at an extremely reasonable cost, for generations to come.

City of Lancaster

See reverse side for Customer Notice and details on the proposed rate increase



CITY OF LANCASTER

A City Authentic

39 W CHESTNUT ST, PO BOX 1020
LANCASTER, PA 17608-1020

www.cityoflanasterpa.com

UTILITY BILL

Customer Copy

Keep this portion for your records

Customer Name FRANK D KITZMILLER						Service Address 1041 PRESTON RD					
Bill Number 550814	Bill Date 03/06/2018	Account Number - Customer Number 269440 - 20034123				Current Billing Due Date 04/05/2018					
Service Description	Rate Code	Meter #	Type	Read Code	From-To Dates	Days	Reading Prev Curr	Consumption Actual Billed	Charge		
WATER	1" ROQ	0064679276	M	A	11/27/2017 02/22/2018	87	505 510 511.3 512.1	5 5	66.55		



CITY OF LANCASTER, PENNSYLVANIA
39 W CHESTNUT ST, P.O. BOX 1020 LANCASTER, PA 17608-1020
UTILITY SERVICE

FRANK D KITZMILLER
1041 PRESTON RD
LANCASTER PA 17601-4852

ACCOUNT NO 269440	CUSTOMER NO 13825
JUL 6 15 DUE DATE	69.19 AMOUNT DUE

For Service To: 1041 PRESTON RD

Cycle: 8 Bill Freq: Q

Meter #	Typ	Size	From-To Dates	Days	Read Type	Reading Prv Cur	Consumption Actual Billed
0064679276	WTR	1" X 3/4	2/25/15 5/26/15	90	E A	421 427	6 6

new rate 3/5/15 - 5/26/15
water bills as 1" meter
(\$ 27.00 each @ 2) 44.10
26.93
71.03

R
E
T
A
I
N
F
O
R
Y
O
U
R

I have 3/4" meter
customer charge 16.65
consumption = 6 x 4.489 = 26.93
43.58

* customer charge covers 1) Reading meter, 2) billing customer, 3) collection of bill

Water 69.19

Total 69.19

Previous Balance: 53.98
Add'l Charges:
Penalties:
Other Adj.:
Payment: 53.98CR
Adjusted Balance: 69.19
Current Bill: 69.19
Current Balance: 69.19

92 DAYS 7,000 GAL AT OLD RATES
get order calculate fee
value of old rate to 5/4/15 + new rate meter 5/4/15

Our 'Annual Water Quality Report' is available on-line at:
<http://cityoflanasterpa.com/sites/default/files/documents/2014-ANNUAL-DRINKING-WATER-QUALITY-REPORT.pdf>

Payment of this bill will be accepted at the City Treasurer's office, 39 W Chestnut St (Rear New Police Station), Office hours 8:30 A.M. to 5:00 P.M. Monday through Friday. Checks are to be made payable to: City of Lancaster, Pa. For questions about this bill, contact customer service, 39 W Chestnut St, Lancaster, Pa. 17603 - phone (717) 735-3425. Rate schedules are available for inspection at the office of Customer Services. Finance charge of 1.5% per month added after due date. Payments received after 3:00 P.M. will be credited the next business day. Please visit us at www.cityoflanasterpa.com. Procurement & Collection / Treasury Office page for more water and sewer billing information. All checks returned to the City due to a closed account, for insufficient funds, or because a stop payment was placed on the check will be assessed a \$50.00 fee.

Check No. _____ Date Paid 6/15/15 VISA

If you have a water emergency, please call (717)291-4816.

Use your VISA® or MASTERCARD® credit/debit card when you make payments at the City Treasurer's Office at 39 W Chestnut St. You may make payment online using your Visa, MasterCard or Discover Debit or Credit Card by logging onto <http://billing.ci.lanasterpa.us>. There is a small convenience fee for online payments.

**CITY OF LANCASTER - BUREAU OF WATER
OUTSIDE THE CITY**

**APPLICATION OF PRESENT RATES AND SETTLEMENT RATES TO CONSUMPTION ANALYSIS
YEAR ENDED DECEMBER 31, 2013**

Rate Block 1000 Gallons (1)	Number Of Bills (2)	Present Consumption (3)	Present Rate (4)	Revenue (5)	Settlement Consumption (6)	Settlement Rate (7)	Settlement Revenue (8)
<u>Residential - Quarterly</u>							
Service Charge							
5/8"	76,282	-	\$ 10.50	\$ 800,751	-	\$ 18.65	\$ 1,289,762
3/4"	12,430	-	10.50	130,515	-	18.65	206,960
1"	20,490	24 = 5122	27.90	571,671	-	44.10	903,609
1 1/2"	168	-	43.80	7,358	-	69.60	11,693
2"	68	-	68.40	4,651	-	108.60	7,385
3"	3	-	135.30	406	-	214.50	644
Total - Service Charge	109,421			1,515,353			2,400,052
First 75	-	1,423,005	\$ 3.7260	\$ 5,302,117	1,423,005	\$ 4.4890	\$ 6,387,869
Next 925 or 1,725	-	12,375	3.4240	42,372	12,375	3.8240	47,322
Over 1,000 or 1,800	-	-	2.2400	-	-	3.2470	-
		1,435,380		5,344,489	1,435,380		6,435,191
Subtotal	109,421	1,435,380		\$ 6,859,841	1,435,380		\$ 8,835,243
<u>Commercial - Quarterly</u>							
Service Charge							
5/8"	1,316	-	\$ 10.50	\$ 13,818	-	\$ 18.65	\$ 21,911
3/4"	634	-	10.50	6,657	-	18.65	10,556
1"	1,508	-	27.90	42,073	-	44.10	66,503
1 1/2"	601	-	43.80	26,324	-	69.60	41,830
2"	1,071	-	68.40	73,256	-	108.60	116,311
3"	43	-	135.30	5,818	-	214.50	9,224
4"	40	-	211.20	8,448	-	334.80	13,392
6"	64	-	420.00	26,880	-	666.00	42,624
8"	8	-	665.10	5,321	-	1,054.80	8,438
10"	-	-	879.90	-	-	1,395.30	-
Total - Service Charge	5,285			\$ 208,595			\$ 330,788
First 75	-	124,566	\$ 3.7260	\$ 464,133	124,566	\$ 4.4890	\$ 559,177
Next 925 or 1,725	-	58,905	3.4240	194,843	64,373	3.8240	246,162
Over 1,000 or 1,800	-	14,995	2.2400	33,589	7,527	3.2470	24,440
		198,466		692,564	196,466		829,779
Subtotal	5,285	198,466		\$ 901,160	196,466		\$ 1,180,568

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Frank D. Kitzmiller,

Complainant,

v.

Docket No. C-2014-2435567

City of Lancaster,

Respondent.

CERTIFICATE OF SATISFACTION

Pursuant to Section 5.24(b) of the Formal Proceeding Regulations of the Public Utility Commission ("Commission"), 52 Pa. Code § 5.24(b), the City of Lancaster ("City, or Lancaster"), the Respondent in the above-captioned matter, hereby submits this Certificate of Satisfaction. The City hereby certifies that it has satisfied the Complaint of Frank D. Kitzmiller (the "Complainant").

The subject Complaint involved an overbilling issue in which the Complainant alleged that he was being overbilled for a 1" meter rather than his actual 3" inch meter. In response to the Complaint the City's Business Manager (Mr. Patrick Hopkins) contacted Mr. Kitzmiller and explained the meter charge issue in detail. Mr. Hopkins explained to Mr. Kitzmiller that Manheim Township requires (and has since sometime in the mid-1980s) that all residential connections, such as Mr. Kitzmillers, be made with a 1" service line. The City does not have 1" residential meters, so the City's normal 3/4" meters were used in those properties with the 1" service line which was connected to the meter. These customers are billed based on the 1" "meter charge" because what really matters in the size of the service line, not the meter itself. Following Mr. Hopkins explanation Mr. Kitzmiller expressed satisfaction with the explanation and stated that it made sense to him. Subsequently, Mr. Kitzmiller filed a separate formal Complaint in the City's Rate Base Proceeding at Docket No. C-2014-2435548 in which Mr. Kitzmiller alleged that the City had omitted expense reductions for unaccounted water losses. Mr. Kitzmiller attached a copy of his previously filed billing complaint (Docket No. C-2014-243-5567) and it was assumed that Mr. Kitzmiller had merged said billing complaint with the formal rate case complaint. Mr. Kitzmiller agreed to the Settlement Petition dated November 24, 2014 provided that the City evaluate its lost & unaccounted water program which is set out in Paragraph 6 (e) of the Commission's January 15, 2015 Order adopting the settlement.

The City has served this Certificate of Satisfaction upon the Complainant as evidenced by the attached Certificate of Service. Unless the Complainant objects within ten (10) days of the filing of this Certificate of Satisfaction, the Commission shall withdraw the Complaint and mark the case closed. The Complainant may object to this Certificate of Satisfaction by writing a letter to the Secretary of the Public Utility Commission at P.O. Box 3265, Harrisburg, PA 17105-3265 with copies to the Respondent and the Administrative Law Judge Cheskis.

Kitzmilller C

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

FRANK D. KITZMILLER,	!	DOCKET NO. C-2014-2435567
COMPLAINANT,	!	TESTIMONY AT HEARING
v.	!	
CITY OF LANCASTER WATER DEPARTMENT,	!	APRIL 18, 2018
RESPONDENT.	!	JUDGE: JOEL H. CHESKIS

FRANK D. KITZMILLER
 1041 PRESTON ROAD
 LANCASTER, PA 17601
 717-569-0132 / dkitz@comcast.net

RECEIVED
 JAN 09 2018
 PA PUBLIC UTILITY COMMISSION
 SECRETARY'S BUREAU

OPENING STATEMENT

My name is Frank D. Kitzmiller and I have resided with my spouse since 1972 in our house which was built in 1965 at 1041 Preston Road, Township of Manheim, Lancaster County, PA 17601. I am the Complainant in Frank D. Kitzmiller v. City of Lancaster Water Department (Respondent) Docket No. C-2014-2435567, which contends that Respondent has overbilled Complainant during the period March 15, 1988, (when I first became a customer of Respondent) to the present time by not adhering to the provisions of Title 66 C.S. Part I, Chapter 13, Subchapter A, Section 1303, Adherence to Tariffs, Section 1304, Discrimination in Rates and Section 1308(a), Voluntary Changes in Rates.

Complainant also requests that the Pennsylvania Public Utility Commission (PUC) make an order requiring Respondent to refund the amount of overbilling, together with interest at the legal rate, to Complainant pursuant to the provisions of Section 1312(a) of the above-mentioned Chapter 13. See EXH FDK 2 and EXH FDK 2.1 for an estimate of the overbilling plus interest.

In addition, Complainant requests Judicial Extension of Time pursuant to the provisions of 42 Pa C.S. Chapter 55, Subchapter A, Section 5504 (b).

In addition, Complainant requests that all future billings of Customer Charges be made at the rate applicable to a customer using a 3/4" size water meter.

Kitzmilller Exh. C
 C-2014-2435567
 12-14-18
 Harrisburg JS

BACKGROUND INFORMATION

In recent years, 2010 (Docket No. R-2010-2179103 / Request for \$8,608,024) and 2014 (Docket No. R-2014-2418872 / Request for \$6,458,300), the City of Lancaster, PA , PUC Water Utility # 221800, has requested 2 very large proposed increases in water rates charged to customers located outside of Lancaster City to be granted by the PUC. In both 2010 and 2014, Respondent, in its letter to the affected customers, has described the proposed increases as "modest".

Because the 2010 rate increase request of \$8,608,024 (an 88.7% increase for a residential customer using 12,000 gallons per quarter of which only 63.6% was allowed) was wholly related to a specific upgrade of Respondent's 2 water treatment facilities, Complainant did not question the reasonableness of the request and felt comfortable in knowing that the PUC was going to examine the requested rate increase.

However, when the 2014 requested rate increase of \$6,458,300 (a 42.1% increase for a residential customer using 13,000 gallons per quarter of which only 27.3 % was allowed) based upon "Across the country, aging water infrastructure is a growing problem " with no specific needs of Respondent mentioned for the rate increase, Complainant sought additional information on the rate increase pursuant to the instructions included in the "Notice of Proposed Rate Changes" attached to the "Dear Service Water Customer" notice. (Exhibit EXH FDK 4 and EXH FDK 5 from the 2010 rate request which were similar to the 2014 rate request document)

The water customer receives a 2 page letter (single sheet with 2 printed sides- see EXH FDK 4 and EXH FDK 5 for 2010 rate increase request) about the proposed increase approximately 2 months prior to the proposed effective date, on the date that the Respondent files its request with the PUC. One page of the letter (addressed to "Dear Water Service Customer") provides the reasons why such increase has been requested and compares the water consumption rate per 1,000 gallons after the proposed increase to what water costs if purchasing it in the form of bottled water in a 16 ounce bottle. The other page is a PUC required "Customer Notice" addressed "To Our Customers" which provides a comparison of the total quarterly water bill before and after the proposed rate increase for a residential customer with a 5/8" water meter using 12,000 (or 13,000 in 2014) gallons per quarter and calculates the percentage increase.

There is no mention in these 2 pages of information that the billing to the customer is based on the sum of 2 separate charges: (EXH FDK 1 – Supplement No. 45 to Tariff No. 6) (This schedule of rates on EXH FDK 1 is also confusing by omitting the reference to the "sum" of the 2 separate charges)

1. A "customer charge" which is a fixed charge to recover the costs of the water meter (which is owned by Respondent), the quarterly reading of the water meter and the quarterly billing and collection of the customer. Also included by the Respondent is a charge for "service" and public fire protection. The customer charge varies based upon the required size of the water meter

needed to render adequate service with 5/8" and 3/4" meters being charged the lowest amount and substantial increases for the larger size meters of 1" (265% of the 5/8" and 3/4" rate) or above. The requested increases in customer charges for 2010 and 2014 were 174% and 100%, respectively. The use of the term "modest" to describe the requested rate is not appropriate and actually appears to be intentionally misleading.

2. A "consumption charge" based upon the amount of water consumed in the quarter in thousand (1,000) gallon increments. This rate for 1,000 gallons decreases for higher levels of consumption. The requested increase in the consumption charges for 2010 and 2014 were 76% and 30%, respectively.

Whether intentional or unintentional, the lack of mention of the Customer Charge in Respondent's "Dear Water Company Customer" page and the use of the term "modest" to describe the proposed rate increase, the amount of which is not disclosed, is not appropriate. (EXH FDK 4)

Because of Respondent's concealing of the fixed Customer Charge and only mentioning the proposed water Consumption Charge, the customer is likely to think that the water bill is based solely on the Consumption Charge and will think that reduced water usage will significantly reduce the effect of the rate increase. The customer probably will not call the Respondent or search the rate case legal documents to obtain additional information on the proposed rate increase and thus will not reach the final stage of the review which would be an attempt to calculate the exact effect of the proposed increase on the customer's bill. It is only at this point when all of the information is available that the customer, if among the 5,000+ customers in Manheim Township who have a 3/4" water meter being billed as having a 1" water meter (EXH FDK 7) will realize that they have been significantly overbilled. The recent trend since 2006 of substantially increasing the Customer Charge (up 379% based on the proposed rate increase) while limiting the increase in the Consumption Charge (up only 98% based on proposed rate increase) results in the present overbilling to be significantly higher.

The "Customer Notice" does provide a paragraph relating where additional information can be obtained and the location of documents that can be examined. In order to locate any information related to the Customer Charge portion of the water bill, the Customer Notice indicates that the customer will have to examine the voluminous filings with the PUC which are kept at the Lancaster City Clerk's office.

The "Customer Notice" does provide information on the ability to file a Formal Complaint or make other input into the rate request process. (EXH FDK 5)

In connection with the 2014 proposed rate increase, I read the Notice of Proposed Rate Changes ("Customer Notice") and discovered that I could not relate the charges on my current quarterly billings to the amounts shown on the Customer Notice. I called Respondent's customer service phone number and provided my account number and was told that I am being billed at a rate for a 1 3/4" water meter and that I probably live on a high hill. I explained that this does not appear to apply to me as I am located in the lowest part of our neighborhood. The customer service representative provided me with a link to information to access additional information on this matter including a 1,766 page rate increase document which was posted on the Lancaster City website.

I accessed the 1,766 pages rate increase document which included the "Customer Notice" (but did NOT include the City's "Dear Water Service Customer" letter which, as noted above, appeared to be intentionally misleading in describing substantially large proposed rate increases as "modest"). The document also included information on "Supplement No. 43 to Tariff Water-Pa. P.U.C. No.6 24th Revised Page No. 4 cancelling 23rd Revised Page No. 4" ("Supplement No. 43"). This Supplement No. 43 provides comparable rates for the present and proposed rates for both the "Customer Charges" and the "Consumption Charges". On the City website there also were separate links to Supplement No. 43, Customer Notice of Proposed Rate Changes, Water Increase FAQ, Supplement No. 42 effective 3/1/12 and to the PUC Case Summary for Docket No. R-2014-2418872.

Using this information and my quarterly consumption of water amount, I attempted to calculate my present billing and the billing based upon the proposed rate change for the $\frac{3}{4}$ " water meter which the Respondent required me to use when my residence was connected to Respondent's water system in March, 1988. My calculations using the $\frac{3}{4}$ " water meter rate were much lower than my actual bill. There was no $1\frac{3}{4}$ " meter size on the Supplement No. 43 so I disregarded the information provided by the Respondent's customer service representative relating to that size. I then made a calculation based on the rate for a 1" water meter and determined that I was presently being billed for a 1" meter rather than the $\frac{3}{4}$ " meter that was connected to my water system. My interior water system is $\frac{1}{2}$ " piping and normally uses a $\frac{5}{8}$ " or $\frac{3}{4}$ " water meter.

I again called the Respondent to inform them that I was being billed for a 1" meter when I actually had a $\frac{3}{4}$ " meter and the Meter Department clerk appeared to indicate that a billing reduction was in order and that the Respondent would promptly reply to my request. Shortly thereafter the Meter Department clerk called back and said that many other residents in my neighborhood are being billed as I am for a 1" meter but actually having a $\frac{3}{4}$ " meter. The clerk set up an appointment to have a meter department technician come out to my residence to review the situation.

The meter department technician examined the meter and the customer service line and said it was a $\frac{3}{4}$ " meter connected to a 1" service line and that I and many of my neighbors and customers located in Manheim Township are being billed at the 1" meter rate (which is over $2\frac{1}{2}$ times the rate billed for a $\frac{3}{4}$ " meter). Later, I compared my situation with that of an adjoining neighbor and discovered that his meter was a $\frac{5}{8}$ " meter. It also appears that $\frac{5}{8}$ " size water meters are being used by 2 homes on my street located above my home. (The Set 2, Item 4 discovery request to confirm this was denied by the Respondent.) The $\frac{5}{8}$ " meter was also the size of an acquaintance located in another neighborhood in Manheim Township and appears to be the predominate meter size used by all Outside of City/Manheim Township customers based on billing analysis schedules prepared for the 2014 Rate Increase request (page 15 of Appendix B of Joint Petition For Settlement of Rate Investigation).(EXH FDK 7)

I attended a Manheim Township Commissioner's meeting in June, 2014, to make an inquiry about whether Manheim Township officials were aware of this apparent overbilling situation. The Commissioners and the township manager indicated that they had no information on this matter. In attendance at the meeting was an employee (Michael Lynch) of PA Representative Steven Mentzer who

met with me after the meeting and said that if I provide my name and address he would have his office investigate my concerns. The result was that on June 24, 2014, the Office of Consumer Advocate ("OCA") sent me forms to be filed to make a Formal Complaint with the PUC. On July 10, 2014, I filed a Formal complaint related to the overbillings which were on my bill. This Formal Complaint was recorded by the PUC on August 4, 2014, as Docket Number C-2014-2435567 and a 20 day "Notice of Formal Complaint" was served upon Respondent which required a response by August 24, 2014.

Also, on July 10, 2014, I filed a Formal Complaint against the City's proposed rate increase (Docket Number R-2014-2418872). This Formal Complaint was recorded on August 4, 2014, as Docket Number C-2014-2435548 and a 10 day "Notice of Formal Complaint" was served upon Respondent which required a response by August 14, 2014. This Formal Complaint related to a potential downward Rate Request adjustment for unbilled or unaccounted-for-water which I had noted in my review of the document files of the rate case in connection with my separate Overbilling Formal Complaint. This rate case Formal Complaint also mentioned the possibility of an upward Rate Request adjustment related to the possible payment in the Rate Case Test Year of overbillings described in my separate Overbilling Formal Complaint Docket No. C-2014-2435567, a copy of which was attached to the Docket No. C-2014-2435548 solely as a reference to the amounts of such overbillings.

On July 31, 2014, I hand delivered a request to Lancaster City pursuant to the Pennsylvania Right-To-Know law to provide records indicating the total number of Manheim Township PA customers who are being billed a water service Customer Charge based on the rate for the 1" water meter but who actually have a ¾" water meter as the required size of meter to render adequate service. On August 7, 2014, Lancaster City acknowledged the receipt of the request and on September 5, 2014, Lancaster City provided me with 67 pages of customers listed by customer number which indicated that 3,071 customers located in Manheim Township who actually had a ¾" water meter were billed at the 1" meter rate. (EXH FDK 10 shows pages 1 and 25 of the 67 pages of customers)

On September 17, 2014, after not being notified of the results of the 2 separate Formal Complaint notices, I discussed, by telephone, the status of this case with various members of the PUC Office of the Secretary staff and was told that they were experiencing delays in processing of the Formal Complaint information due to presently being understaffed, but I was assured that action would be taken within the next week or 2.

On October 2, 2014, Complainant was admitted as an active participant of the Rate case at Docket No. R-2014-2418872 as a result of filing a Formal Rate Case Complaint on July 10, 2014 at Docket No. C-2014-2435548 to make the PUC aware (if they were not already aware) of an alleged excess amount of unaccounted-for-water which could affect the rate case. Complainant was notified by the rate case Administrative Law Judge that "he takes the case as he finds it". As the rate case discovery proceedings had ended prior to Complainant becoming a party and after Complainant's completion of the review of the rate case documents for actions taken by the other parties prior to admittance as a party, Complainant did not have any new information to offer to the proceedings other than what information was in the Formal Complaint. I do not know if the unaccounted-for-water issue was known by the

parties before Complainant filed the Formal Complaint or had any effect in the rate settlement process, but I did note that it was mentioned in the closing remarks of the PUC Bureau of Investigation and Enforcement party and was mentioned in the settlement document as something to consider in the future by the City of Lancaster Water Department. I was satisfied with that result and felt that I had provided some useful information to the proceeding.

On October 30, 2014, I wrote to the Secretary of the PUC and asked that information be provided to me related to the status of the overbilling Case C-2014-2435567, including why I have not received any copy of any answer to the overbilling Formal Complaint.

On November 21, 2014, the PUC posted the October 30, 2014, written request in the Case Summary for Docket No.C-2014-2435567 in the Consolidated Case Review available at the PUC website.

To this date no information has been provided to me in response to my October 30, 2014, request, either from the PUC or from the Respondent as an answer to Set 1 Interrogatories Nos. 1 and 2 which requested a copy of the response to the Formal Request notice dated August 4, 2014.

It should be noted that upon the failure to comply with the 20 day Overbilling Formal Complaint Notice requirement to either satisfy the complaint to admit or deny the allegations of the complaint, the Respondent "will be deemed to have admitted all the allegations in this complaint". In that event, the PUC may, without a hearing, enter an order which either revokes or suspends any certificate or permit held by Respondent and may impose a fine or other appropriate penalty or remedy authorized by PUC Code 66 C.S. Section 101, et seq. This is a serious matter, so serious that Respondent, on 2/8/18, many years after the expiration of the 8/24/14 due date for the Overbilling Formal Complaint response, filed a "Motion For Leave To File An Answer To A Formal Complaint NUNC PRO TUNC" to attempt to resolve this serious matter and relieve Respondent of punishment actions and penalties which may be levied on Respondent by the PUC and to eliminate the liability to Complainant for the overbillings made by Respondent. Respondent has not as of the present date, 3/22/18, provided an answer to Item 1 of the Set 1 interrogatories served upon Respondent on 9/14/17 which requested a copy of the response made by the Respondent to the Overbilling Formal Complaint Notice.

Judge Cheskis, at the present time, has not yet made a ruling as to whether allow Respondent's Motion To Answer NUNC PRO TUNC referred to above.

LEGAL STANDARD

A tariff is a set of operating rules imposed by the PUC that each public utility must follow in order to provide service to its customers. It is a public document which sets forth the schedule of rates and services and rules, regulations and practices regarding those services. When a tariff is plain on its face, the Commission need not and cannot look beyond the four corners of the tariff to determine the meaning. The intent of the parties comes into play only if and when the Commission, applying its expertise, determines that the tariff is ambiguous. *PPL Electric Utilities Corp v. Pa. Pub. Util. Comm'n*, 912 A.2d 386,402,403 (Pa. Cmwith. 2006). Each public utility must file a copy of its tariff with the PUC.

Tariffs are open to public scrutiny. 66 Pa. C.S. Section 1302. Public utility tariffs have the force and effect of law and are binding upon the public utility and its customers. *Pennsylvania Electric Company v. Pa. Pub. Util. Comm'n*, 663 A.2d 281 (Pa Cmwlth. 1995). The tariff applicable to Respondent is Tariff Water-Pa P.U.C. No. 6.

In the instant case, the Complainant is not challenging the reasonableness or validity of City of Lancaster Water Department Tariff Water No. 6. Rather, the Complainant is challenging Respondent's billing of Complainant at a rate which is not specified in such Tariff Water No. 6, namely charging a customer service charge based on a 1" meter size to a customer using a ¾" meter size which causes an overbilling of approximately 265% of the ¾" meter size rate.

Section 1303 of the PA Public Utility Code addresses adherence requirements to tariffs as follows.

66 Pa. C.S. Section 1303. Adherence to tariffs.

No public utility shall, directly or indirectly, by any device whatsoever, or in anywise, demand or receive from any person, corporation, or municipal corporation a greater or less rate for any service rendered or to be rendered by such public utility than that specified in the tariffs of such public utility applicable thereto. The rates specified in such tariffs shall be the lawful rates of such public utility until changed, as provided in this part. Any public utility, having more than one rate applicable to service rendered to a patron, shall, after notice of service conditions, compute bills under the rates most advantageous to the patron.

The PA Public Utility Code prohibits unreasonable discrimination in rates between customer classes of service. Specifically, section 1304 provides in pertinent part:

66 Pa. C.S. Section 1304. Discrimination in rates.

No public utility shall, as to rates, make or grant any unreasonable preference or advantage to any person, corporation, or municipal corporation, or subject any person, corporation, or municipal corporation to any unreasonable prejudice or disadvantage. No public utility shall establish or maintain any unreasonable difference as to rates, either as between localities or as between classes of service...

The PA Public Utility Code provides that the PUC must approve any voluntary changes in rates. Specifically, 66 Pa. C.S. Section 1308 (a) provides:

Unless the PUC otherwise orders, no public utility shall make any change in any existing and duly

established rate, except after 60 days notice to the PUC, which notice shall plainly state the changes proposed to be made in the rates then in force, and the time when the changed rates will go into effect. The public utility shall also give such notice of the proposed changes to other interested persons as the commission in its discretion may direct. Such notices regarding the proposed changes which are provided to the utility's customers shall be in plain understandable language as the PUC shall prescribe. All proposed changes shall be shown by filing new tariffs, or supplements to existing tariffs filed and in force at the time. The PUC, for good cause shown, may allow changes in rates, without requiring the 60 days notice, under such conditions as it may prescribe.

The PA Public Utility Code in 66 Pa. C.S. Section 1308 (b) allows the PUC to enter upon a hearing concerning the lawfulness of a new rate and to suspend the operation of such rate for up to 9 months.

The PA Public Utility Code in 66 Pa. C.S. Section 1308 (c) allows the PUC to determine the just and reasonable new rate, if, after a hearing, the PUC finds such proposed new rate to be unjust or unreasonable.

The PA Public Utility Code provides that the PUC shall have the power and authority to make an order requiring the public utility to refund the amount of excess billings to the customer. Specifically, 66 PA. C.S. Section 1312 (a) provides:

General rule -- If, in any proceeding involving rates, the PUC shall determine that any rate received by a public utility was unjust or unreasonable, or was in violation of any regulation or order of the PUC, or was in excess of the applicable rate contained in the existing and effective tariff of such public utility, the PUC shall have the power and authority to make an order requiring the public utility to refund the amount of any excess paid by any patron in consequence of such unlawful collection, within 4 years prior to the date of the filing of the complaint, together with interest at the legal rate from the date of each such excessive payment. In making the determination under this section, the PUC need not find that the rate was extortionate or oppressive. Any order of the PUC awarding a refund shall be made for and on behalf of all patrons subject to the same rate of the public utility. The PUC shall state in any refund order the exact

amount to be paid, the reasonable time within which payment shall be made, and shall make findings upon pertinent questions of fact.

The 4 year statute of limitations period referred to in Pa. C.S. Section 1312 (a) above may be extended by the provisions of Title 42 – Judiciary and Judicial Procedure, Chapter 55. Specifically, 42 Pa. C.S. Section 5504, Judicial Extension of Time provides:

- (a) General rule. - - Except as provided in section 1722 (c) (relating to time limitations) or in subsection (b) of this section, the time limited by this chapter shall not be extended by order, rule or otherwise.
- (b) Fraud. - - The time limited by this chapter may be extended to relieve fraud or its equivalent, but there shall be no extension of time as a matter of indulgence or with respect to any criminal proceeding.

ARGUMENT

It appears that Lancaster City Water Department (Respondent) made a deliberate decision to retain the same rate design for the new Manheim Township customer hookups after 9/30/85 but bill the Customer Charge at the 1" size water meter rate for the use of the ¾" size water meter that they used. In a "Petition of Satisfaction" filed on 8/11/17 relating to the overbilling Formal Complaint Case Docket No. C-2014-2435567, it was stated that the Respondent had NO actual 1" size residential water meters.

This decision was in direct conflict with the provisions of the Municipal Connector's Agreement dated 9/30/85 between Respondent and Manheim Township, provided in response to Set 1, Item 16 Written Interrogatories request, which on page 2, paragraph 6 indicated that Respondent was to charge Manheim Township customers connected to the City water supply system at the rates in effect from time to time in such area (EXH FDK 3). Such rates could not be provided in discovery proceedings by Respondent but would appear to be similar to the rates of the Lancaster City Ordinance No. 72 provided in Set 1, Item 6 of Written Interrogatories adjusted upward for rate increases from 11/1/75 to 9/30/85 which would appear to be similar to those rates on the effective date of Supplement No. 19 to Tariff Water No. 6 effective 9/1/89 which was obtained from PUC files. These rates are based on the size of the water meter used by the customers and are not based on the customer service line pipe size which would have resulted in minimum charges of 265% greater than the rate based on the 5/8" or ¾" meter sizes.

The presence of any minimum charges being made in excess of the present tariff rates at that time, especially those at 265% more, would have discouraged the affected Manheim Township residents with satisfactory water wells as their source of water from hooking up with Respondent's water system and would have deprived Respondent of the water service revenues to be paid by such Manheim Township residents.

Also, it would appear that Respondent's breach of the terms of the Municipal Connector's Agreement could have resulted in incurring a liability for sanctions against Respondent.

No attempt was made by Respondent to comply with the provisions of 66 Pa. C.S. Section 1303, Adherence to Tariffs or Section 1304, Discrimination in rates, as previously mentioned.

The Respondent's rate increase of 265% resulting from billing customers using $\frac{3}{4}$ " size water meters at the rate for customers using 1" size water meters did not comply with the provisions of 66 Pa. C.S. Section 1308(a), as previously mentioned, which requires a 60 day notice to the PUC and Respondent's affected water customers to precede any changes in any existing and duly established rate. All proposed changes in rates, or rate design and classes of services shall be shown by filing new supplements to existing tariffs filed and in force at the time.

The Respondent's rate increase of 265% probably would have resulted in the PUC, in accordance with the provisions of 66 Pa. C.S. Section 1308(b), requiring a Hearing concerning the lawfulness of a new rate which could suspend the operation of such new rate for up to 9 months. The Manheim Township residents and officials would be allowed to provide information input into the Hearing. It would appear that the Manheim Township residents affected by the increased rates which were 265% higher than their neighbors in other parts of Manheim Township would demand an acceptable explanation for the exceptionable increase.

If, after a Hearing, the PUC finds the new rate to be unjust or unreasonable, 66 Pa. C.S. Section 1308(c) allows the PUC to determine the just and reasonable new rate.

This deliberate decision to overbill the Manheim Township customers hooking up with Respondent's water system after 9/30/85 resulted in significant benefits for Respondent such as:

1. Substantially higher billing amounts (265% higher Customer Charges) which result in increased cash flow and increased amounts of borrowing capacity as mentioned later.
2. Immediate receipt of the higher billed amounts by avoiding the requested rate increase suspension period. This allowed Respondent to improve its financial position which at this time was not sufficient enough to enable Respondent to undertake construction of the extension of its water system to the new Manheim Township customers. (EXH FDK 9)
3. Obtaining 100% of the requested rate increase by not subjecting it to the rigorous examination of the PUC which in the 2010 and 2014 rate increase requests approved only 67% and 65%, respectively, of such rate increase requests.
4. Elimination of the dollar costs to be incurred in obtaining and providing the PUC with information required in a rate increase proceeding including legal fees, professional consulting fees for any Cost of Service study, determination of the Rate Base, Rate of Return, etc. Such fees in the 2005, 2010 and 2014 rate increase proceedings amounted to approximately \$307,500, \$856,000 and \$373,000

not including the dollar value of the time used by Respondent's employees involved in the rate increase investigation proceedings.

5. Increasing the amount of funds which can be transferred out of Respondent's funds and into the General Fund of Lancaster City. Over the years 1998 to 2018, the annual transfers have increased from \$1,150,000 in 1998 to \$4,000,000 projected for the year ending 12/31/18.
6. Increasing the reported value of Respondent's Water Operations which would result in higher proceeds to the General Fund of Lancaster City upon any sale of such water operations.
7. The Schedule of Application of Present Rates and Settlement Rates to Consumption Analysis On Page 15 of Appendix B of Joint Petition for Settlement of Rate Investigation indicating the number of quarterly bills for residential customers for the year ended 12/31/13 indicates that 20,490 bills were made to customers being charged for a 1" size water meter. Assuming these are quarterly bills, the amount of such customers would amount to 5,122 (EXH FDK 7). The additional water service revenues generated by billing these customers based on the Supplement 45 Tariff No. 6 meter rates (EXH FDK 1) at the 1" size water meter rate of \$44.10 per quarter compared to the 3/4" size water meter rate of \$16.65 per quarter amounts to \$27.45 per quarter or \$109.50 annually per customer and \$562,395 (5,122 X \$109.80) annually for the 5,122 Manheim Township customers. This additional revenue will increase the Borrowing Base of Lancaster City for non-electoral debt by approximately \$1,405,987 ($562,395 \times 250\% = 1,405,987$) and provide potential improvement in the bond rating for any Revenue Bonds to be issued by Respondent due to increased fixed revenues (compared to variable revenues) associated with the Customer Charge portion of Respondent's revenues.

It appears that Respondent took actions to limit the exposure of publicity to its overbillings.

Such actions began with Respondent's violations of the provisions of 66 Pa. C.S. Section 1303, 1304 and 1308(a) by not disclosing the rate increase to either the PUC or to the water service customers who were affected by the rate increase.

These water service customers were probably new customers who probably had no prior experience with the billing for water service provided by Respondent and were not aware of how their water bill was determined based upon a fixed rate Customer Charge and a variable rate Consumption Charge.

These new customers were provided by Manheim Township with a Water Connection Notice and Payment Schedule requiring a payment of a \$2,000.00 (which was a significant amount at the time) Connection Fee and mentioning that a property lien will be filed against the property if the payment is not made by the due date. It is not known if the new customer was provided with any information about the present water rates at this time and whether the current rates being billed by Respondent to

existing customers would be billed to the new customers after they had the water meters installed following the connection to the property's water system.

To avoid confusing the water customers if there was ever an inquiry as to what the composition of the current rates were, Respondent should have added a new class of service on its Tariff Water Pa. No. 6 for " ¾" Size of Water Meter for Certain Manheim Township Customers" with the Customer Charge rate being equal to the 1" size of water meter (which is 265% higher than the normal ¾" size water meter rate). This revised schedule of meter rates should have been provided to the water service customer prior to or with the initial billing for water service, and, although not required by PUC regulations, annually or when a new rate has been granted by the PUC. Respondent should have instructed the customer to verify the actual size of the of their water meter when trying to determine the amount of their bill for water service. If no new class of service was established, all water service customers using a ¾" size water meter should be billed at the same ¾" size water rate per the Tariff Water No. 6 Meter rate schedule.

During the period in which a rate increase is requested by Respondent, there is enormous amounts of information generated as the Respondent and the parties opposed to the rate increase present their sides on this matter. However not much of this information is readily available to the water service customers and the information which is provided to the customers is confusing and misleading, such as requesting a "modest" increase of 88.7% in 2010 and a "modest" increase of 42.1% in 2014.

I was never successful in locating the schedule of water meter rates on the City of Lancaster website. The Office of Customer Services at 39 W. Chestnut St used to have a black loose-leaf binder with Tariff Water Pa. No. 6 rates and other water service information, but it is no longer available. On 6/30/17, I requested to examine the schedule of water meter rates and it took 15 minutes for the clerk (and supervisor?) to locate it and print out a schedule of the 2016 Water and sewer rates. When I arrived home after paying my bill, I accessed the City of Lancaster website and noticed that the schedule I received at the Office of Customer Services was posted on the "government>water and tariff rates" page (possibly as a result of my inquiry?). I had never previously noticed this information being posted on the website.

The quarterly billings through 2/21/17 have a statement within the small print section which states "Please visit us at www.cityoflanasterpa.com Procurement & Collection/Treasury Office page for more water and sewer information." I could not find any water meter rate information at these sites or any links to get to water meter rate information. (EXH FDK 6)

The new revised quarterly bills effective after 2/21/17 just have a note on the back which states "meter and consumption rate schedules are available for inspection at the City Treasury Office-Customer Service". There is no address provided for the location of this office. There is no reference to meter rate information being available at the Customer Service Office at 39 W. Chestnut St. or on the City of Lancaster Water Department website.

The new revised bill does not indicate the actual meter size used by the water service customer (which on the prior bill format indicated that Complainant used a "1 X ¾" meter) and just provides a rate code of "1" ROQ " with no explanation of "ROQ". It is unclear if this reduced amount of water rate information is in compliance with PUC regulations, but it is not that helpful to the water service customer in trying to determine if the quarterly bill is accurate.

As noted above, the customer's quarterly bill information is not sufficient to prevent an overbilling from occurring and being concealed. (EXH FDK 6)

It appears that the overbilling was never noticed by the professional consultants hired by the OCA, SBA and Respondent and its employees and by the highly skilled employees of the PUC investigating the various rate increase requests made by Respondent from 1985 to the present date. These professionals performed intense adversarial detailed investigations of all of the activities of Respondent including billing analysis, fixed asset and depreciation reviews and determination of Cost of Services based on the size of the water meters.

In Complainant's review of the 2014 rate case and all prior rate cases reported in Public Documents in the PUC Case Summaries for Respondent, I saw no inquiry being made about the actual size of a ¾" water meter being billed out as a 1" water meter with a billing rate that was 265% of the ¾" water meter rate.

The independent public accountants auditing the financial statements of Respondent apparently did not notice this overbilling in their annual audits. Perhaps the annual amount of overbilling of \$109.80 for each of the 5,122 (\$562,395 total annual overbilling) water customers was not material enough to arouse suspicion.

It would appear that the 5,000+ group of Manheim Township water customers who were overbilled would have been the ones to have discovered the overbilling. Just by comparing water bills with neighbors in their own neighborhood or with friends in the other parts in Manheim Township which obtained water service before 1985, they may have noticed differences that would arouse curiosity enough to try to calculate how their water bill was determined. But it appears that it was not worth their efforts due to the relatively low amount of the bill and the knowledge that the PUC has thoroughly examined any rate increase request and allowed only the rates that are considered to be just and reasonable.

Complainant has never seen any reporting of this overbilling in the local newspaper.

In Discovery, Complainant, on 1/23/18, in Set 2 interrogatories, item 5, requested information as to whether there were any complaints made by Formal Complaints, Informal Complaints or other means related to the Respondent's billing of a Customer Service charge at the 1" water meter rate rather than the ¾" water meter rate for the actual ¾" water meter size used by the customer. On 3/6/18, after a Motion to Compel discovery responses had been made by Complainant, Respondent denied all 8 of the outstanding Set 2 interrogatories including this Set 2, item 5 interrogatory on the grounds that as a party

of the prior RATE case proceeding at Docket No. R-2014-2418872, Complainant failed to present any discovery in the form presented in this Set 2 interrogatory in the current OVERBILLING case proceedings. Respondent is not recognizing the fact that the RATE case is a separate case and not part of the OVERBILLING case. As a result, Respondent concluded that Complainant was estopped from compelling responses to discovery that Complainant had every opportunity to present during the prior rate case proceeding at Docket No. R-2014-2418872. Accordingly, unless Judge Cheskis objects to Respondent's denial of discovery, Complainant will never be able to determine whether water service customers similar to Complainant have made a similar complaint and what action resulted from such complaint.

Respondent's position that Complainant's participation in the prior RATE case proceeding Docket No. R-2014-2418872 does not allow discovery requests to be made in this OVERBILLING case was also used to deny responses in the 2/9/18 Answer to Motion to Compel for Set 1 items which were never previously formally objected to, the 2/2/18 Objection to Set 2 items and was included in the 2/8/18 Motion For Leave To File An Answer To A Formal Complaint NUNC PRO TUNC. Complainant feels that Respondent's position is not reasonable and has been taken as a means of delaying the discovery proceeding which began on 9/4/17 (over 150 days ago).

This position of denial by Respondent, if not objected to by Judge Cheskis, would appear to apply to all pending and future discovery requests made by Complainant to Respondent.

CONCLUSION

For the reasons outlined above, Frank D. Kitzmiller (Complainant) respectfully requests that Administrative Law Judge Joel Cheskis recommend, and the Commission affirm, the relief requested which consists of:

1. The refund of the overbillings paid to City of Lancaster Water Department during the period 3/15/88 to the present date which are estimated to amount to \$1,560.76 per EXH FDK 2. See also EXH FDK 2.1 for the quarterly overbilling amounts which when multiplied by 4 and then multiplied by the number of years applicable to the tariff rate will equal the overbill amount on EXH FDK 2. (Example : \$15.13 X 4 quarters = \$ 60.52 annual X 11 years = \$665.72)
2. Allow for Interest compounded at the legal rate on the overbillings during the period 3/15/88 to the present date. Such interest calculated at 6% compounded quarterly is estimated to amount to \$3,103.06 per EXH FDK 2.
3. Requiring the City of Lancaster Water Department to make future billings for its water service to Frank D. Kitzmiller at the rate applicable to a customer using a 3/4" size water meter.

Respectfully submitted,

April 18, 2018

Frank D. Kitzmiller, Complainant, Pro Se

Kitz Miller D

FRANK D. KITZMILLER v. CITY OF LANCASTER WATER DEPARTMENT DOCKET NO. C-2014-2435567

APPENDIX TO HEARING TESTIMONY FOR EXHIBITS

EXHIBITS

- EXH FDK 1 Supplement No. 45 to Tariff Water No. 6 25th Revised Page No. 4
- EXH FDK 2 Summary of Overbill and Statutory Interest to 3/15/88
- EXH FDK 2.1 PA PUC Notes and References on Rates and Rate Increases 3/15/88 to 3/15/18
- EXH FDK 3 Municipal Connector's Agreement dated 9/30/85, pages 1 and 2
- EXH FDK 4 Dear Water Service Customer letter dated 8/27/10
- EXH FDK 5 Notice of Proposed Rate Changes To Our Customers
- EXH FDK 6 Example of City of Lancaster Water Department quarterly water bills
- EXH FDK 7 Residential quarterly billing information indicating that 5,122 Outside the City customers
were billed for a 1" size water meter for the year ended 12/31/13
- EXH FDK 8 Certificate of Satisfaction, filed 8/11/17
- EXH FDK 9 Page 1 (of 3) of Extension of Municipal Connector's Agreements dated 12/4/08
- EXH FDK 10 Pages 1 of 67 and 25 of 67 of listing of 3,071 water customers located in Manheim Township
who are billed for 1" size water meter but use a ¾" size water meter

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

JAN 09 2019

RECEIVED

Kitz Miller Exh. D
C-2014-2435567
12-19-18
Harrisburg JS

PA PUC NOTES AND REFERENCES ON RATES AND RATE INCREASES
3/15/1988 to 3/15/2018

		RATES		PERIODS	
		PER QTR	PER MO	OVERBILL	INTEREST
3/15/88 TO 10/28/98 (No Supplement numbers available)					
Per Schedule G-4 attachment to Rate Increase filing Case No. R00984567 to be effective on 12/23/98 (which became effective on September 29, 1999)				3/15/88 - 9/29/99	3/15/88 - 3/15/18
				= 11 YRS	= 30 YRS
Current Outside of City PUC rates at 12/23/98	5/8" and 3/4" meter size	\$9.10	\$3.03		
	1" meter size	\$24.23	\$8.08		
	Overbilling amount	\$15.13	\$5.05		
Supplement 31					
Schedule of Rates - Meter Rate - General Service Attachment to Rate Increase filing Case No. R00984567 which became effective on September 29, 1999				9/29/99 - 6/9/06	9/29/99 - 3/15/18
				= 7 YRS	= 18 YRS
Customer Charges	5/8" and 3/4" meter size	\$3.88	\$1.29		
	1" meter size	\$10.35	\$3.45		
	Overbilling amount	\$6.47	\$2.16		
Supplement 39					
Schedule of Rates - Meter Rate - General Service Attachment to Rate Increase filing Case No. R00051167 which became effective on June 9, 2006				6/9/06 - 3/1/12	6/9/06 - 3/15/18
				= 6 YRS	= 11 YRS
Customer Charges	5/8" and 3/4" meter size	\$4.38	\$1.46		
	1" meter size	\$11.70	\$3.90		
	Overbilling amount	\$7.32	\$2.44		
Supplement 42					
Schedule of Rates - Meter Rate - General Service Attachment to Rate Increase filing Case No. R-2010-2179103 which became effective on March 1, 2012				3/1/12 - 3/5/15	3/1/12 - 3/15/18
				= 3 YRS	= 6 YRS
Customer Charges	5/8" and 3/4" meter size	\$10.50	\$3.50		
	1" meter size	\$27.90	\$9.30		
	Overbilling amount	\$17.40	\$5.80		
Supplement 45					
Schedule of Rates - Meter Rate - General Service Attachment to Rate Increase filing Case No. R-2014-2418872 which became effective on March 5, 2015				3/5/15 - 3/5/18	3/5/15 - 3/15/18
				= 3 YRS	= 3 YRS
Customer Charges	5/8" and 3/4" meter size	\$16.65	\$5.55		
	1" meter size	\$44.10	\$14.70		
	Overbilling amount	\$27.45	\$9.15		

EXTENSION OF MUNICIPAL CONNECTOR'S AGREEMENTS

Extension agreement made as of December 4, 2008, by and between the CITY OF LANCASTER ("City"), a third class City of the Commonwealth of Pennsylvania, the GENERAL MUNICIPAL AUTHORITY OF THE TOWNSHIP OF MANHEIM ("Authority"), a municipal authority organized and existing under the Municipalities Authority Act, as amended ("Act"), and MANHEIM TOWNSHIP ("Township"), a first class Township of the Commonwealth of Pennsylvania.

BACKGROUND

A. The Authority is the owner of public water supply system improvements and facilities ("Authority Water System") which have been constructed by the Authority, or dedicated to the Authority upon extension by others, pursuant to a Municipal Extenders Agreement made, initially, between the City and the Township, as connector, dated as of December 18, 1984 ("1984 Agreement"), Township's rights and obligations as connector under the 1984 Agreement having been assigned to the Authority by Township as permitted by the 1984 Agreement, and pursuant to a Municipal Extenders Agreement made between the City and the Authority, as connector, dated as of September 30, 1985 ("1985 Agreement"). The 1984 Agreement and the 1985 Agreement being collectively referred to as the "Connectors Agreements".

B. The Authority undertook construction of the initial portions of the Authority Water System, as initially described in the Connector's Agreements, in order to provide public water service to areas within the Township not served by the public water supply system ("City Water System") then owned by the City of Lancaster Authority ("City Authority") and then operated and maintained by the City, the City having then advised the Township that it was not in a position to undertake construction of the necessary extensions of the City Water System to provide such service, but offering to permit the Township and Authority to undertake such extensions and to recoup the cost of doing so by means of the Connectors Agreements. The City is now the owner and operator of the City Water System, the City having acquired ownership of the City Water System from the City Authority.

C. The Authority Water System, as presently constructed, is as described in and as shown on the plans of the Authority and the Township.

D. The Authority Water System, as constructed, over time, has been accepted for operation and maintenance by the City, has been connected to the City Water System, has been leased to the City by the Authority, and has been operated and maintained by the City pursuant to the terms and conditions of lease respectively set forth in the Connector's Agreements, and the Connector's Agreements have remained in effect beyond their respective initially stated duration terms, and the terms and duration thereof have been extended as the Township and Authority have undertaken further extensions and improvements of public water service within the Township.

46 per page
66 pages (full)
3036
35 on 1 particular page
3071 TOTAL

Account #	Property ID #	Meter #	Meter Type	Meter Size	Rate Code
	4810	390-85932-0-0000	52672940	1	3 52
650 Apple Rd	4820	390-96114-0-0000	52754390	1	3 52
328	5810	390-99581-0-0000	73001157	1	3 52
331	5820	390-76087-0-0000	48419829	1	3 52
	5820	390-76087-0-0000	62685046	1	3 52
371	5850	390-14837-0-0000	62685069	1	3 52
375	5860	390-02322-0-0000	52754471	1	3 52
	5870	390-92227-0-0000	52754406	1	3 52
	7460	390-70759-0-0000	60323330	1	3 52
	7510	390-02757-0-0000	61422314	1	3 52
2414 Aster Ln	7690	390-16514-0-0000	47678871	1	3 52
2440 "	7700	390-15234-0-0000	72920598	1	3 52
	7710	390-14154-0-0000	48005629	1	3 52
	7720	390-12334-0-0000	39575030	1	3 52
	7730	390-09515-0-0000	39575109	1	3 52
	7740	390-28119-0-0000	47678766	1	3 52
	7750	390-07100-0-0000	39575214	1	3 52
	7760	390-26841-0-0000	47678842	1	3 52
	7770	390-04374-0-0000	73001133	1	3 52
	7780	390-25758-0-0000	47678843	1	3 52
	7790	390-02560-0-0000	40423550	1	3 52
	7800	390-24674-0-0000	52931749	1	3 52
	7810	390-00127-0-0000	73001177	1	3 52
	7820	390-23591-0-0000	47678763	1	3 52
	7830	390-21317-0-0000	47678804	1	3 52
	7860	390-12064-0-0000	47429040	1	3 52
	7860	390-12064-0-0000	68301261	1	3 52
	7870	390-10581-0-0000	47429042	1	3 52
	7870	390-10581-0-0000	69506091	1	3 52
14 Barton Dr.	11070	390-20214-0-0000	48258528	1	3 52
	11070	390-20214-0-0000	61046151	1	3 52
12 Barton Fld	12180	390-02878-0-0000	47678837	1	3 52
	12200	390-79740-0-0000	72920637	1	3 52
	12220	390-04287-0-0000	48419809	1	3 52
	12240	390-04166-0-0000	61422246	1	3 52
	12270	390-02248-0-0000	69506041	1	3 52
	12290	390-73398-0-0000	38224119	1	3 52
	12300	390-81159-0-0000	71419367	1	3 52
	12340	390-40588-0-0000	36764381	1	3 52
	12350	390-61437-0-0000	48419810	1	3 52
	12370	390-44344-0-0000	52754467	1	3 52
	12380	390-68603-0-0000	73801144	1	3 52
	12390	390-69759-0-0000	73001132	1	3 52
	12400	390-35948-0-0000	47429136	1	3 52
	12410	390-65896-0-0000	68301182	1	3 52

269370	390-41285-0-0000	66780340	LAPP 1963	1	3	52
269390	390-47709-0-0000	48258501	MILLER 1963	1	3	52
269410	390-54234-0-0000	48419807	WENGER 1963	1	3	52
269430	390-60758-0-0000	48005631	AN LOG 1961	1	3	52
269440	390-67282-0-0000	64679276	KITZMILL 1958	1	3	52
269450	390-86759-0-0000	39575036	CHERRY 1963	1	3	52
269460	390-73505-0-0000	52863343	KITZMILL 1958	1	3	52
269680	390-17857-0-0000	48030411	ORANGE 1963	1	3	52
269690	390-28194-0-0000	36388201	Blossoming Oaks (in the section)	1	3	52
269730	390-48968-0-0000	47678747		1	3	52
269740	390-41188-0-0000	40423487		1	3	52
269750	390-59207-0-0000	47678739		1	3	52
269760	390-50723-0-0000	47230306		1	3	52
277440	390-02080-0-0000	48005640	(over cabinet area)	1	3	52
277550	390-98954-0-0000	47428986		1	3	52
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277590	390-99141-0-0000	47428992		1	3	52
277600	390-99261-0-0000	47428969		1	3	52
277610	390-99507-0-0000	47428972		1	3	52
277620	390-99639-0-0000	47429020		1	3	52
277630	390-99765-0-0000	47429015	NO PAPER FOR PAIRS (in the area) 1/15/67	1	3	52
277650	390-99905-0-0000	47429018		1	3	52
277670	390-00465-0-0000	47429021		1	3	52
283050	390-54989-0-0000	47678744	WALKER BOUND 1972 11487	1	3	52
283060	390-53346-0-0000	63157026		1	3	52
283080	390-23341-0-0000	47678799		1	3	52
283090	390-16538-0-0000	37067168		1	3	52
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283200	390-32945-0-0000	38224049	BULL 1954	1	3	52
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283250	390-30554-0-0000	47429138		1	3	52
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283290	390-25154-0-0000	38224004		1	3	52
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283310	390-22471-0-0000	37511224		1	3	52
283320	390-35065-0-0000	47321016		1	3	52
283330	390-56118-0-0000	38224097		1	3	52
283340	390-62795-0-0000	36764375	BULL 1971	1	3	52

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